

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN A. PINO,	:	
Petitioner,	:	1:16-cv-1788
	:	
v.	:	Hon. John E. Jones III
	:	
BARRY SMITH,	:	
SUPERINTENDENT, SCI-	:	
HOUTZDALE, PA ATTORNEY	:	
GENERAL,	:	
Respondents.	:	

ORDER

January 11, 2017

NOW THEREFORE, upon consideration of the petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254, and for the reasons set forth in the Court's memorandum of the same date, it is hereby ORDERED that:

1. The motion (Doc. 3) to stay is DENIED.
2. The petition for writ of habeas corpus (Doc. 1) is DISMISSED without prejudice. *See* R. GOVERNING § 2254 CASES R. 4.
3. The Clerk of Court is directed to NOTIFY the petitioner and CLOSE this case.
4. There is no basis for the issuance of a certificate of appealability. *See* 28 U.S.C. § 2253(c).

s/ John E. Jones III
John E. Jones III
United States District Judge